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THE JOSEPH M. TOOMEY COLLECTION OF WILKES COUNTY RECORDS

Robert S. Davis, Jr.

In 1968, Ella B. Tippiets Toomey, widow of Dr. Joseph M. Toomey of Wilkes County, Georgia, donated to the Georgia Department of Archives and History a collection of historical documents acquired and preserved by her husband over four decades. Included in this donation were some fifteen hundred loose civil records from Wilkes County, records which were presumed destroyed or irretrievably lost. Ten years after this first donation, the author, a graduate student interested in Wilkes County history, contacted Dr. Toomey's daughter, living in Florida, and located an additional ten thousand items, the majority of Dr. Toomey's collection, which were with her family. Through the daughter, the family was persuaded to donate the remainder of Toomey's Wilkes County collection to the Archives. The new additions have been merged with the original donation to form the Joseph M. Toomey Collection of Wilkes County Records in the Manuscripts Section of the Georgia Department of Archives and History, a gold mine of genealogical and historical information on the county from 1777 to 1835.

Various stories are told by members of Dr. Toomey's family about how he acquired his personal collection of loose Wilkes County civil records. In one story, Toomey offered to take possession of these papers as an alternative to the county's plans to burn them when more space was needed at the old courthouse. Another account states that he found the records piled up on a sidewalk outside the courthouse in Washington, where some official had left them to be taken to the local dump. Still another source claims that Toomey salvaged the papers directly from the dump.¹ However he obtained these papers, much more than coincidence was involved in Toomey's rescue of these largely irreplaceable loose land, court, estate, and poor school records of one of Georgia's most historic counties and in his preservation of these records for more than forty years.

Born into one of the few Catholic families in Wilkes County on February 18, 1891, Joseph Maria Toomey was greatly influenced by the Civil War associations of the century-old homes in his native Washington, by the nearby Kettle Creek Revolutionary War battlefield, and the local Indian sites. Having obtained his degree at Atlanta Southern Dental College (now part of Emory University), Toomey returned to Washington as a dentist in the 1920's. Appointed county historian by a Wilkes County grand jury, Toomey made plans to write a new history of his county, probably to have been based largely on the civil records he had saved. He abandoned the project, however, with little

more than an outline because of the County Board of Commissioners' refusal to sponsor the book and the failure to find funding by subscription.² By the 1930's, Toomey had moved his dental practice to Decatur and apparently limited his writings on Wilkes County history to articles for the Washington newspapers.

His interest in local history, however, remained and was probably responsible for his not disposing of his Wilkes County records. In Decatur, Toomey gathered materials for a history of the nearby St. Thomas More Church;³ during his tours of duty as an army dentist in Iran and India during World War II, he collected a large number of Asian art objects; while serving with the Army Reserve in Alabama, he uncovered forgotten Indian mounds; and even in his retirement at St. Simons, Georgia, Toomey was exploring the history of that area. In spite of his many and varied historical interests, he wrote only one book, a history of the Georgia American Legion and Auxiliary and Georgians in the first world war which he coauthored with his first wife, Maude Lynch Toomey.⁴

The value of the Toomey Collection is directly related to the importance of Wilkes County in the early history of Georgia. Opened to settlement in 1773, when that territory was ceded by the Creek and Cherokee Indians to the British government, Wilkes was the first of the original eight counties created by the state constitution in 1777. During the American Revolution some of the most brutal fighting in the state occurred in the area, including the Battle of Kettle Creek--the major patriot victory in Georgia. After the war, thousands of settlers moved into the area to take advantage of the abundance of unclaimed land and Georgia's liberal land policies.

By the time of the 1790 federal census of Georgia, more than 40 percent of the state's population lived in that one county. Nine counties have since been created from the original Wilkes County. Because so many people descend from the early settlers of Wilkes County, family research into the county's records continues to be extremely popular among genealogists. The best seller among books on Georgia genealogy is Grace G. Davidson's Early Records of Georgia Wilkes County.⁵

Fortunately for historical and genealogical research in Georgia, Wilkes has the most complete county records of any early county in the state. Unlike many counties which have lost their early documents to courthouse fires, Wilkes is only known to have lost two books of public record. This reputation for documentary completeness did not extend to the loose civil papers, however. Although collections of these documents have been discovered in the William L. Clements Library of the University of Michigan, the William R. Perkins Library of Duke University, and the Government Records Office, Georgia Department of Archives and History, as well as those in the courthouse in Washington, a large gap existed in the loose papers.⁶ Davidson and others attributed this gap to destruction by county officials and to theft by private individuals.⁷ Many of the records given up as

lost were those rescued by Dr. Toomey.

Some information contained in the Wilkes County loose papers, in the Toomey Collection, or elsewhere can be found in the county's books of public record. All of the deeds and many of the estate papers were recorded. However, in the initial copying and subsequent recopying as the books wore out, information was often garbled, incorrectly transcribed, or omitted. When the Toomey Collection is fully available to researchers, many of these errors will be detected by comparison with the original loose papers from which the first books of record were compiled. The two lost Wilkes County books of record, estate book "DD" and the Superior Court minutes for 1782-1786, may be replaced by the loose papers they duplicated.

The majority of the documents in the Toomey Collection were never recorded, however. Among these are notes of debt, some of which are older than Wilkes County; plaintiffs' petitions and interrogations of distant witnesses with detailed information on court cases that cannot be found in the abstracts of the court cases in the Inferior and Superior Court minutes; and miscellaneous estate records. Of particular interest to genealogists are the county-level poor school records, providing the name, age, and parents of each student enrolled. The poor school records found so far in the Toomey Collection are for 1826, 1828-1833, and 1844.⁸

This collection provides information on the day-to-day lives of people living on a frontier in transition--the famous, infamous, and little known. The Toomey Collection documents the local economic base as it changed from Indian trade and livestock production to tobacco and later cotton, with the consequent growth and development of slavery. Social historians may study slavery in great detail or the development of a civil government for dealing with public morality and health, orphans, education, and poor citizens. These records show how, as Wilkes County's society became more sophisticated and refined, the questionable financial dealings and the personal violence practised by some of the citizens during the Revolution were no longer tolerated. Even such heroes of the war as Elijah Clarke and Micajah Williamson found themselves brought before the civil authorities they had previously risked their lives to defend on such charges. These manuscripts also include a number of valuable autographs, including those of at least three signers of the Declaration of Independence.

The records of the court cases provide extremely detailed information on these early settlers. While most of these suits are rather uninteresting, involving only minor debts, others are more of the sort that Davidson was describing when she wrote, "No modern fiction excels them in tales of human interest."⁹ Among these cases is a suit brought against Charles Mills for assaulting a neighbor who was making jokes about the election of George Troup as governor in 1823. Mills, in another case, unsuccessfully waged a slander suit against his famous brother-in-law, Baptist minister Jesse Mercer. In the

court papers of this particular case is a copy of a lengthy letter by Mercer, the grounds for the suit, which describes in great detail early Georgia courtroom proceedings. A case involving Dr. Anthony Poullain in 1798 offers an early example of a charge of medical malpractice. Elisha C. Dick, a Virginian, testified that while visiting in Wilkes County he became sick and would have died had his friends not helped him to escape from Dr. Poullain's treatments! Dick's testimony was filed by a family Poullain had brought to trial for refusing to pay their medical bills.

Some of the most interesting cases grew out of the American Revolution. South Carolinian Peter Roquemore's testimony provides gruesome details of the torture inflicted by his patriot commander, George Dooly, upon a fifteen-year-old boy in 1781 to learn where the boy's Loyalist family had hidden their slaves. Another set of cases involved runaway slaves captured among the Cherokee Indians by patriot troops under General Andrew Pickens of South Carolina in the last months of the war.

Dr. Joseph Toomey never used these court cases or any of the other records he had saved to write a history of his native Wilkes County. In spite of the failure of his own historical project, he believed in the value of these papers enough to preserve them until his death. The creation of the Joseph M. Toomey Collection of Wilkes County Records in the Manuscripts Section of the Georgia Department of Archives and History recognizes Dr. Toomey's long interest in local history and his role in preserving the written record of Georgia's past.

NOTES

¹Information on Dr. Toomey used in this article came from information kindly provided by Mrs. Ella B. Toomey, his widow; John T. Wrigley, his long-time personal friend; and the Emory University Alumni Office.

²A copy of the outline for this history of Wilkes County is in the Wilkes County File, Vertical File, Main Search Room, Georgia Department of Archives and History.

³The material for the history of St. Thomas More Church, chiefly newspaper and magazine clippings, is now in the Manuscript Section, Georgia Department of Archives and History.

⁴Joseph M. and Maude L. Toomey, Georgia's Participation in the World War and the History of the Department of Georgia, the American Legion (Macon: J. W. Burke Co., 1936).

⁵Grace G. Davidson, comp., Early Records of Georgia Wilkes County, 2 vols., reprint ed. (Vidalia: Southern Historical Press, 1968). The Reverend Silas E. Lucas, Jr., owner of the Southern Historical Press, provided the author with information on the popularity of Davidson's two volumes on Wilkes County.

⁶Wilkes County, Georgia, Papers, William L. Clements Library, University of Michigan, consists chiefly of loose estate papers collected by U. B. Phillips for his biography of Robert Toombs and his works on slavery. The Georgia, Wilkes County Collection, William R. Perkins Library, Duke University, is mainly court cases over minor debts. Wilkes County Supplement, Government Records Office, Georgia Department of Archives and History, is similar in size and content to the Toomey Collection and consists of loose Wilkes County records donated to the Archives at least as early as the 1930's. The loose estate papers in the Wilkes County courthouse have been deposited at the Georgia Archives and have now been microfilmed.

⁷Davidson, Early Records, 2:192.

⁸The Georgia Department of Archives and History has some state-level poor school records for Wilkes County for 1832-1835. These records are available for use by researchers in the Archives' microfilm library.

⁹Davidson, Early Records, 2:193.